

structures represented by the formulae (A), (B) and (C), respectively; and R, R¹, R² and L may be optionally connected to each other to form a ring.

Please cancel claim 4 without prejudice.

REMARKS

Claims 1 and 5-9 are before the Examiner for consideration.

The subject matter of claim 4 has been incorporated into claim 1, so that the latter recites that

the cores of said core/shell type grains are subjected to chemical sensitization in the presence of at least one compound selected from the group consisting of compounds represented by the following formula (A), (B) or (C) and a gold sensitizer in combination under the condition that substantially no thiosulfate ion is present during the chemical sensitization

Entry of this amendment is requested despite the finality of the rejection because it places the application in condition for allowance and because the subject matter of amended claim 1 was already before the Examiner in the form of claim 4.

I. The Indefiniteness Rejection

The Examiner has rejected claim 4 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, it is asserted in the Action that the language "core grains" being indefinite and lacking antecedent basis.

In response, Applicants have incorporated claim 4 into claim 1, and have modified the language in question to recite the cores the core/shell type grains, to clarify the antecedent basis.

In view of this modification, Applicants believe that their claims are now in compliance with the requirements of 35 U.S.C. 112 and request that no rejection under that provision be made of amended claim 1.

II. The Prior Art Rejection

The Examiner has rejected claims 1 and 4-9 under 35 U.S.C. §103(a) as being unpatentable over Evans et al further in view of Tanemura et al or Shuto et al, '719.

A. The Examiner's Position

It is asserted in the Office Action that in the Amendment filed on August 14, 1996, Applicants referred to the results found in Table 4 of the present specification and compared those results to Emulsion E found in Evans.

However, the Examiner adds that the results found in Table 4, as compared to the results found with respect to Emulsion E of Evans, were unpersuasive since the "comparative data of the specification...is not of sufficient scope, weight and character to obviate the prima facie case of obviousness." That is, the Examiner has reviewed the data in the present specification and concluded that the "small quantitative differences" existing between the samples are of a nature which cannot be considered unexpectedly superior.

B. Applicants' Response

Applicants respectfully traverse the rejection because of the experimental data already of record and the data in the attached

unexecuted¹ Declaration.

In the experiment described in the attached Declaration, Seed Crystal No. I1 was prepared in the same manner for Emulsion A which is disclosed in Evans, using the same prescription as for Emulsion A, but without subjecting the crystal to chemical sensitization.

Seed Crystal No. I2 was prepared in the same manner as Emulsion A which is disclosed in Evans, using a pure AgBr composition, but without subjecting the crystal to chemical sensitization.

Emulsion No. J1 used in Evans and Emulsion No. J2 having the formulation shown in Table 1' were prepared using Seed Crystal Nos. I1 and I2 in the manner shown in Table 1' of the attached Declaration. Sample Nos. 207 and 208 were prepared, using the above emulsions in the manner shown in Table 3' of the attached Declaration.

Sample Nos. 207 and 208 were then tested and the results are shown in Table 4' of the attached Declaration. Those results show that the sample prepared by using the emulsion disclosed in Evans (Emulsion A) exhibited a reduced maximum density, an increased minimum density, a reduced middle sensitivity, and an increased high negative sensitivity as compared with those of Comparative Sample No. 101 which is described in Applicants' specification (page 106). On the other hand, the samples of the present

¹ An executed version of the Declaration will be filed upon receipt.

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invention gave remarkable effects, exhibiting an increased middle sensitivity and a reduced high negative sensitivity without reducing maximum density, without increasing minimum density.

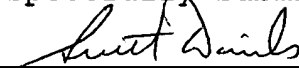
In view of the above, Applicants submit that such a difference in photographic values would not have been expected from the cited references and that their claimed invention is patentably distinguishable over the cited references. Applicants therefore request that the prior art rejection be reconsidered and withdrawn.

III. Conclusion

In view of the above, Applicants believe that their application is now in condition for allowance and therefore request favorable consideration.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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